

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22454 of 2022

Arising Out of PS. Case No.-703 Year-2020 Thana- PURNIA COMPLAINT CASE District-
Purnia

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MITHU MAHALDAR Son of Sri Bilash Mahaldar Resident of Village -
Jiyanganj, P.S.- Kasba, Distt.- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Savita Devi D/o Jagdish Mahaldar Resident of Village - Gorhi Tola, P.S.-
Jalalgarh, Distt.- Purnea.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand, Advocate

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 23-02-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of three weeks from today.

The petitioner and the Informant/ O.P. No. 2 is present

before the Court through their respective counsel today.

In view of the order dated 02.02.2023, the petitioner

has paid Rs. 2000/- to the informant for expenses to attend the

Court.

The petitioner is apprehending his arrest in a case

registered for the offences punishable under Section 498A read

with Section 34 of the Indian Penal Code.

As per the prosecution case, the informant/ O.P. No. 2



solemnized marriage with the petitioner on 19.11.2018 according to Hindu rites and customs. The petitioner and his family members used to torture the informant physically and mentally within two months of marriage on account of dowry demand. The petitioner used to abuse and assault the informant in inebriated condition. It is further stated that the petitioner solemnized second marriage with Paro Devi.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. He has further submitted that the petitioner is ready to take the informant to the matrimonial house and keep her with full dignity and honour. He has also submitted that the petitioner did not marry with the other lady namely Paro Devi. The petitioner has got no criminal antecedent as stated in para 3 of the bail petition.

Considering the aforesaid facts and circumstances of the case, let the above named petitioner be released on provisional anticipatory bail for six months in the event of his arrest/ surrender within a period of six weeks from today on furnishing bail bond of Rs. 20,000/-(Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Purnea in connection with Complaint



Case No. 703 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The provisional bail of the petitioner will be confirmed by the learned Court below in three eventualities :-

- (i) if the matrimonial harmony is substantially restored, or
- (ii) if the informant fails to appear before the learned Court below, or
- (iii) if the informant gets reluctant to reconcile the issue.

(Chandra Prakash Singh, J)

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